

MINUTES

SALINA CITY PLANNING COMMISSION
CITY COMMISSION MEETING ROOM
November 7, 2006

MEMBERS

PRESENT: Bonilla-Baker, Funk, Mikesell, Schneider, Simpson, Soderberg, Weisel, and Yarnevich

MEMBERS

ABSENT: Ritter

STAFF

PRESENT: Andrew, Burger, Cline, Herrs

ITEM #1. Approval of the minutes of the regular meeting held on October 17, 2006.

(Due to a staff error in assembling the packet, the complete minutes were not included in the packets for the Commissioners. Mr. Andrew suggested that these minutes be considered at the next regular meeting and a vote taken at that time. – Commissioners were given a complete set of minutes at the conclusion of the meeting.)

Approval of October 17, 2006 minutes was deferred to the December 5, 2006 meeting.

ITEM #2. Application #Z06-15, filed by Jim Maes and D. S. Guise, requesting a change in zoning district classification from I-1 (Light Industrial) and C-3 (Shopping Center) District to I-2 (Light Industrial) District for property legally described as Lots 5 & 6 in Block D of the Park West Addition (aka 1331-1341 Armory Road).

Mr. Andrew presented the staff report, including visual presentation, which is contained in the case file.

Mr. Simpson asked are there any questions of Dean or the staff?

Mrs. Soderberg asked where is this in relation to the flood zone, how is that related to this property?

Mr. Andrew stated the jagged line you see that runs up between this, that is the old channel for Dry Creek and there's a little bit of flood plain on either side of it. This is not flood plain property here. As you go farther west closer to the levee there is some flood plain designation. There's also a large box culvert that drains the area behind the Holidome and it comes up into this area and then kind of meanders around, but this is the bypass channel for Dry Creek. Some of this area drains and gets over there but this is kind of an old oxbow holding area, and then in various locations there's a channel, and in various locations it's been filled in. But the flood plain is primarily adjacent to that former channel.

Mr. Funk stated according to these letters, the flooding comes from local runoff rather than from Dry Creek. Is that right?

Mr. Andrew stated yes and it's, like I said, it's a problem we've been having in residential areas where two lots have their low spot at the rear of the lots, the water comes together, there's no system to get it out from the rear areas, and we have an area between Beverly Drive and Armory Road where that occurs. In that whole area in the rear of the lots along Beverly Drive there's probably a need to improve the system there where parts of channels have been filled in and nothing has taken its place.

Mrs. Yarnevich asked who owns the undeveloped lot that we're talking about, Lot 6 I guess?

Mr. Andrew stated that would be Mr. Guise.

Mrs. Yarnevich asked so he owns both of those?

Mr. Andrew stated he owns only Lot 6. Mr. Maes, who's here, owns Lot 5 and Mr. Guise owns Lot 6.

Mrs. Yarnevich stated I see. Then the current zoning suits the business fine, it just would require that he put pavement down instead of blacktop, is that right?

Mr. Andrew stated instead of the asphalt millings. There would be some other implications about future uses, but primarily it's the difference between I-1 and I-2 development standards. I-1 allows some industrial uses but has a higher standard in terms of requiring asphalt or concrete paving and front yard landscaping.

Mr. Simpson asked okay any other questions? Would either of the applicants care to address the Commission?

Jim Maes, ComPro Realty, 157 S. 7th St., Salina, stated just to bring you up-to-date on what happened on this property. If I can approach the map, it'll be easier to explain it. Mr. Guise owns Lot 6, I own Lot 5. I put in a large warehouse to go in the back of it. The tenant in this building was McDonald's they had their offices there, kind of their maintenance area. They have vacated the premises and relocated. We have another tenant that was interested in the front building for manufacturing which I-2 will suit this lot better. This lot is zoned C-5, or no, C-3, I am zoned I-1. This lot here is zoned I-2. All of this is zoned I-2, so when we were discussing this with staff it made sense if you just brought the I-2 through this C-3 into my lot, through Lot 5. So all of this area is I-2. It's really what the area is becoming; it's becoming more of an I-2 area rather than an I-1 or commercial area. The Franks, I've discussed with Joe Frank, he's looking at warehousing and heavier industrial uses on the rest of that when he develops it. The reason I put millings in wasn't because I just wanted to see if I could get away with it. I was told by another developer that I believe that millings have been approved by the Planning Department. So when I put them in and they came out and said they weren't approved, it kind of shocked me. This is an attempt working with staff to get this thing approved without tearing out the millings and going to asphalt. What I put in there is just a small warehouse, RV storage, I don't know if you've seen it or not, it's got six doors. You know the amount of traffic on that is going to be very minimal, I mean it's not a high traffic-type use. I do want to thank you for the very nice plaque for the landscape work for Countryside Plaza. I'm sorry I wasn't able to attend but I was out of town.

Mr. Simpson asked any questions of Mr. Maes? Thank you. Does anyone else care to address this application? Seeing none, we'll bring it back to the Commission for discussion and action.

Mrs. Yarnevich stated well I drove by there today and there does seem to be a place where the road ends, I mean obviously because there's a big ditch I drove over to turn around, but I can't tell exactly where that is. Is it after the fourth lot or after the fifth lot?

Mr. Simpson stated after the fifth lot.

Mr. Andrew stated this is the driveway which is where Mr. Maes has his building here, and the road essentially ends there so it provides access to that property. Lot 6 does not have, it has frontage, but it doesn't have paved access today. That road and all the other improvements would have to be continued around. We encouraged, there was no reason other than the owner in 2000 did not participate in that application, there is no reason for Lot 6 to be

left as an orphan C-3 lot. So we encouraged Mr. Maes to include that in this request so we had an edge that fits together.

Mrs. Soderberg asked so before Lot 6 could be developed the street would have to be extended?

Mr. Andrew stated yes, as well as the water line and various utility improvements. I think the hydrant is just on the other side of your driveway isn't it?

Mr. Maes stated east side. We extended it to that point.

MOTION: Mrs. Soderberg stated Mr. Chairman I move that Application #Z06-15 be approved as requested

SECOND: Mr. Funk

VOTE: Motion carried 8-0.

ITEM #3. Application #Z06-16, filed by Richard and Cheri Beus, requesting a change in zoning district classification from R-2 (Multi-Family Residential) to PC-2 (Planned Neighborhood Shopping) District to allow a vacant gas station to be converted to a massage therapy business. The subject property is legally described as Lot 12 on Santa Fe in the Grounds of Kansas Wesleyan University, City of Salina, Saline County, Kansas (aka 1017 S. Santa Fe Avenue).

Sydney Soderberg excused herself from participation in this agenda item due to a conflict of interest.

Mr. Andrew presented the staff report, including visual presentation, which is contained in the case file.

Mrs. Yarnevich stated I have a question. On your staff recommendation you didn't mention anything about screening.

Mr. Andrew stated well the implication is that if you approve their plan that no screening would be required. It would not be very beneficial to require screening along the north, there might be some reason to do it on the east over to the alley, but because this has been there this way for so long and they're not really proposing any physical changes to the site, we didn't see what was necessarily gained by that. But we wanted to identify that because it often is an issue when you have commercial abutting residential is to have some sort of screening for outdoor things or for parking or headlights, things of that nature. I would point out that none is being proposed and we don't have a feeling one way or the other

about that. Everything is so close together there that there is almost no room for screening.

Mrs. Yarnevich asked and the gentleman who owns the house to the north has endorsed the plan?

Mr. Andrew stated yes, the letter in your packet is from him.

Mr. Simpson asked Dean, on the staff recommendations they're numbered 1, 2, 3, and 5. Was there a 4 omitted or just 5 should be 4?

Mr. Andrew stated I think it's just a numbering error, there were only four.

Mr. Mikesell asked what is the use of that house to the north? Is that a multi-family residence?

Mr. Andrew stated it's a multi-family residence, I'm not sure how many units are in there. The owner of that house is also the former owner of this gas station or filling station site. They once tried to donate the site to the City as a park. We didn't accept it and there'd been suggestions over the years about if nothing else could be done it could be used for parking for that residence. But there's always been interest in reusing this building, we've just never quite come up with the right plan and the right combination.

Mr. Mikesell asked in reference to the signage given the way that the building sits on the lot, what do you call lineal frontage, are you going to give them two sides of the building or just one?

Mr. Andrew stated well rather than trying to calculate that, our recommendation number 2 there is to just limit them to two wall signs and we think that the surface that they have to work with is going to be somewhat self-limiting.

Mr. Weisel asked Dean do you know anything about the status of the fuel tanks that could be there?

Mr. Andrew stated that has come up before. They have been removed and as far as I recall, we had a letter from KDHE that they had cleared the site, but all fuel tanks have been removed.

Mr. Simpson asked any other questions at this point? Would the applicant care to address the Commission? State your name and address please.

Cheri Beus, 633 E. Magnolia, Salina, stated I would like to have that building rezoned so that I can locate my massage business there. As far as the small size, you don't need a whole lot of room for massage. The table itself isn't that big and that's really, I mean you just need room to get around the table and that's it. Currently I work out of Dr. Hancock's office on South Ohio and the room that I use there is 9' x 9' with a little cutout, so it's not even actually a full 9' x 9'. As far as like parking and an irritant to the neighborhood, the only phone I have for my business is a cell phone so obviously I can't take calls while I'm in session. I plan my appointments with 15 or 30 minutes in between just so that I have time to get everything cleaned up and redone and ready for the next person. So there's never going to be more than myself and one other person there at a time unless a parent brings a child or something like that and then they just sit in there with me. There is no need for a waiting area. There will be a screen so that I have somewhere to go and be while the person changes and gets ready. So the small size suits me just fine. I used to live in that neighborhood and everybody that I know around there is real excited to finally see something going in there. So that's all I have to say.

Mr. Mikesell asked what will your hours of operation be?

Ms. Beus stated it's by appointment only from 8-8 Monday thru Friday and 8-3 on Saturday, and then none on Sundays.

Mr. Weisel stated when you say you're going to bring this building back up to, I guess its original condition or something like that, what was your vision on that?

Ms. Beus stated our plan is to try and get historic status for it. My father-in-law is working on that and there's certain requirements at the historic society that he could tell you a little bit better than I could. What they want to happen, there's some stucco pillars that they want redone just to bring it more to look like what it did when it was first built.

Ms. Simpson stated alright, any other questions? Thank you. Does anyone else wish to address this application? Seeing none, we'll bring it back to the Commission for discussion and action.

MOTION:

Mrs. Yarnevich stated it seems pretty unobtrusive in the neighborhood and if they're going to fix up the building, I would move that we approve Application #Z06-16 with the four conditions of approval as indicated in the staff report.

VOTE: Motion carried 7-0.

ITEM #4. Application #Z06-8, filed by the Salina City Planning Commission, requesting the addition of Section 42-420 North Ohio Gateway Overlay District to Article VII, Planned Development Districts, of the Salina Zoning Ordinance. Continued from October 17, 2006.

Mr. Andrew stated thank you Mr. Chairman. We had a study session with the City Commission yesterday on this subject and didn't get as much in-depth into the actual draft ordinance itself as much as we did talking about some of the physical limitations and conditions in that North Ohio corridor. What you have in front of you is a draft which is kind of a fleshed out outline of items that would be addressed inside the district. I think the two items that are most critical and maybe most in need of input are, and the approach that we tried to take was let the underlying zoning, whatever the Commission feels is appropriate, whether that is C-7 or C-5, or I-2 for a particular piece of property, but then to go in and identify particular uses that ought to be prohibited within that corridor area. I think the other thing that is a question and we'd like your input on and maybe we'll start backwards first. If you could go to the map or aerial photo John. Just to give you an idea, the area that the draft that you have in front of you proposes is that an area 660 feet or an eighth of a mile either side of Ohio Street would be the property that would be subject to these overlay requirements. It's in that the fainter lavender there, I'll let you see what that would cover. The second set of lines there is if you went back a quarter of a mile or 1,320 feet either side of Ohio. That is the property that would be subject to that. You can see on the east even at a quarter mile, you barely get to where the building sits on the A-Plus Galvanizing site. A third option that was discussed last evening was as you get down at Ohio and Pacific where the intersection has been modified there, is that you could at that point, you could keep it at the 660 feet or eighth of a mile, and then flare it out or widen it at that location to take into account the realigned portion of Pacific as well. So the two issues for input would be obviously the content of the overlay district regulations and the second question is, what is the area or corridor that they should apply to. We've already discussed having it start at North Street and run up to I-70, but the other dimension is how far back from Ohio do you think influences that corridor in how it looks and how it develops. So as drafted, it indicates the 660 feet but when you put that on the aerial photo you find that maybe it's not as wide as you'd like it to be down at Pacific. So that is an item for further discussion. If you could go to the text John. Just to kind of go through the draft, these are the purposes of why you have an overlay district and really it is to make that a point of emphasis as an entryway into Salina from I-70. But a little bit about how an overlay district works or functions is that, the overlay district really goes over the top of whatever you decide the underlying zoning should be, whether that's commercial or industrial, and if there's a provision in the overlay that is more restrictive than what the underlying district allows, then that's a case where the overlay district would supercede what I-2 or I-3 might allow. Otherwise, the general rules in the underlying district or the uses would apply. What is proposed is that it would apply to any new development, major redevelopment or major addition, and by redevelopment, that would be something that was equivalent or greater than 50 percent of the value of the existing improvements

that are there. A major addition would be any addition that is 50 percent or more in the floor area of an existing building. If that were the case then the provisions of the overlay district would apply to that project. As far as permitted uses, as proposed, whatever uses that the underlying district allows would be allowed in the overlay district including conditional uses. Then section 4 there attempts to identify 18 uses that whether the underlying zoning allows them like I-3 allows almost any use that you can think of. There is almost no use that's not allowed in I-3 and we have some I-3 zoning out there. These are 18 uses that we identified as maybe you would not want to see developed along the Ohio Street frontage there, but there might be 30, there might be 50, I think it's still the best approach to identify things that you don't want rather than trying to list everything that should be allowed, but that list could potentially grow. We could have missed or overlooked some things, but those were uses that we identified that perhaps that you would not want on the Ohio frontage coming into the community. Section 5 deals with establishing setbacks for buildings, for parking areas, for gasoline pumps and canopies. As proposed, we are looking at having a height limit that the underlying district allows. That may or may not be the right approach because some of the industrial districts allow unlimited height. Then we are recommending that in terms of parking areas, that they not start within 15 feet of the right-of-way line or property line on Ohio, that there be essentially a setback for parking areas in addition to buildings. We're recommending that all parking lots be paved within the overlay district and the same for loading areas or loading berths, and that loading docks, loading areas not be designed in a way where they face Ohio Street but that they be placed on the side or rear of buildings. In terms of outdoor storage, it would not allow that to take place between the building and Ohio Street. It would have to be in a side or rear yard and would need to be screened in some fashion. It would allow for outdoor display of merchandise if the zoning district allowed a boat dealer or recreational vehicle dealer or a car dealer. Certainly you could have outdoor display of merchandise but it would have to be displayed or parked on a paved surface within the overlay district. Front yard landscaping would be required just as in any other commercial district that we have in the community. What we attempted to do there was basically state that if you have a landscaped area it either needs to be xeriscaping or it needs to be irrigated by an automatic irrigation system. Certainly the idea behind xeriscaping is if you use drought-tolerant plants you shouldn't need a supplemental irrigation system, but if you don't you're likely not going to do well without automatic irrigation. This is proposing, and you're going to have some existing overhead lines in that corridor, but any lines that run from those overhead lines to the building need to be installed underground, and if there were, say any streets in a subdivision that might come off Ohio Street, that there would be underground electric in those subdivisions. In terms of appearance of buildings, it's basically saying that on the frontage of Ohio that metal buildings, corrugated metal sided buildings, would not be permitted unless they're enhanced in some way by use of brick or decorative masonry or stucco in addition to the metal siding. Also it addresses putting the good side, even if it's the side of a building, putting the good side facing Ohio Street, and basically consistent with the other portions, if you have an existing building and you do a small addition to it, you're not subject to these requirements but if you do any addition in excess of 50 percent of what's there, then those would come into play. Then similar to the planned commercial districts that you have looked at like Taco Bueno, Popeye's, the Sunflower Bank, some of those projects, it would require that on

any project within the corridor that a site plan be brought to you for review and approval before a building permit was issued. Then the last section deals with having it bounded by North Street on the south, Interstate 70 on the north and extending 600 or 660 feet on either side of North Ohio. So again, how that's defined going east and west, it would take a little more work to widen it out around Pacific and then narrow it back, but you've seen that this depicts what 660 feet looks like and on one hand that's an eighth of a mile back, on the other hand when you look at it, it doesn't look all that wide or that it covers that much of an area from that perspective. But again, this is just a proposed draft that we're working through and we're certainly open to any questions, comments, oversights, and input that you have. The goal would be to at some point get to where you feel comfortable making a recommendation to the City Commission both as to content and the extent of the area you think it should apply to. With that I'll be happy to address any questions about the overlay regulations.

Mr. Mikesell asked Dean could you point out on that map or do you have another overlay that you could show us those enhanced drawings of the landscaping that is going to go on Ohio there, do you have a way of showing us that?

Mr. Andrew asked can you get access to the previous meeting John, the October 17 meeting? I think there was a folder there that had the overpass landscaping. What you see at the left hand side there is that is the realigned intersection, the decorative ponds, and the north entrance or gateway to the overpass itself.

Mr. Mikesell asked roughly how wide is that over to that point?

Mr. Andrew stated I think the ponds and the areas themselves go roughly 300 feet back from Ohio Street on either side, and then on the outer sides of the ponds is privately owned property that's inside the bend of Pacific there. This is Pacific here and Old Highway 40 here and these intersect here. The cul-de-sac would be constructed on this side which would just be a solid embankment. Pacific comes up like that and Highway 40 comes up like that.

Mrs. Bonilla-Baker asked where are the entrances so you can use the pond at any time to go fishing or can you just walk around the pond or just to look at?

Mr. Andrew stated right now it is just to look at. There'll be some discussion but it's going to be City-owned property. There's been some discussion about whether those become pocket parks or mini-parks, whether you create a driveway off of Pacific or Old 40 to pull off into and create a parking lot there.

Mrs. Bonilla-Baker stated that way you can walk around like Lakewood does.

Mr. Andrew stated right now they are decorative features. That's certainly going to be open to discussion about what those become because they will be publicly owned, but right now they serve both to collect stormwater and also to be a decorative feature. But they could well become kind of a mini-park or pocket park area, but you'd probably want to develop an area where you could pull off of the streets, have an area where you could park if you were going to open it up to public access.

Mrs. Bonilla-Baker asked where's the water coming from, what creek or pond?

Mr. Andrew stated mostly from runoff and there was some discussion that we had purchased well rights on the Beverly property to pump water into the ponds to keep them at an elevation, but given our water situation and any watering restrictions we may have, that may not work out. But the idea is that the runoff from other properties and from the overpass will be directed into these ponds.

Mr. Weisel asked Dean I have a question about the massage parlor versus the massage therapy business. I mean we all know the difference, but how are you going to effectively differentiate between the two of them?

Mr. Andrew stated it may have something to do with licensing or certification of the operators. I think if we're going to put that in there then we're going to have to define it in some way. I think the way people most distinguish it now is that usually to be massage therapy you have to have some sort of certification or license to hold yourself out as that, but yes, that could be construed to prohibit what you just approved in the last application. That's not necessarily the intent.

Mrs. Yarnevich asked why wouldn't you want the overlay district as wide as you could? Why would you not want it to be 800 feet versus 600 feet?

Mr. Andrew stated well what we looked at as a starting point, we looked at the only other corridor that we have currently is South Ninth, and the reason it's as wide as it is is because it's the distance between South Ninth and I-135. You could make a case for it to be deeper than that, but it's about 700 feet on the west and 300 feet on the east. You know, to take a piece of property that's not even visible from Ohio Street it is kind of hard to argue that it impacts that. On the other hand, A-Plus Galvanizing is not right on Ohio but it does impact the corridor coming into town, but I'm not sure what the right number is. I do know that when we looked at 660 feet, we saw that it didn't cover all of the Pacific/Old 40 intersection and certainly the quarter of a mile did. But that's really all we could do is take a dimension and put it on the map and see how it went. We had an earlier map you know that just showed properties, how some of them are very deep off of Ohio like the Beverly Tract, and some of them are not. But it made sense to us to just establish a distance back and if you are outside that distance then you wouldn't be subject to this, but 660 feet may be too narrow.

Mrs. Soderberg asked so something like the A-1 plant, if we suggested and the City Commission adopted the narrower designation then that kind of development wouldn't have to adhere to any of these stipulations?

Mr. Andrew stated if it was outside the width of the corridor then whatever the underlying zoning allowed would be permitted.

Mrs. Soderberg asked with the overhead wires and that kind of thing to get, for instance A-1 Galvanizing, there wouldn't be any restrictions to that even though it crosses the boundary line?

Mr. Andrew stated yes the very hardest part is that even if you go to 1,320 feet you may still have pieces of property that are somewhat divided, but the idea is that if you're outside that overlay area then whatever the underlying zoning allows is allowed, and there would be no site plan review and no paving requirement, no underground utility requirement. So if the goal is to cover you know as much, have this apply to as much area as you think impacts the corridor, then having it a quarter mile as opposed to an eighth of a mile is probably better.

Mrs. Soderberg asked what is the City Commission, how are they, are they leaning in a direction that you could tell?

Mr. Andrew stated I think they were just as open to the quarter mile. It was also suggested that if you went with a narrower dimension you could do something at the intersection that you know widened it out. The four corners of that intersection, that is maybe the most critical area, but I didn't see any concern about going back a quarter of a mile.

Mrs. Yarnevich asked if you go outside the overlay district like A-1 Galvanizing and there's nothing, I mean they could dwarf everything within the overlay and sort of you know what I mean, even if you had the whole corridor developed and then you have these big structures in the back.

Mr. Andrew stated then you have to rely on your other zoning regulations you know that come into play. At the time there was no overpass, I-3 zoning is not something you want to hand out on a widespread basis just because it has unlimited height and unlimited uses and it's so wide open. But the idea here is that even if you had industrial uses, they can look like a lot of what you see out at the Airport Authority or some of the other areas, that you can have aesthetic features and underground wiring and things like that and still have industrial uses.

Mrs. Yarnevich asked with an I-2?

Mr. Andrew stated yes.

Mrs. Soderberg stated it seems like an exciting opportunity to be able to provide for something that will go well into the future. It's hard for us to know at this point how that land might develop and what we might see there, but you drive down that road and you can certainly see A-1 Galvanizing and even though the footage seems, a quarter of a mile seems like a long ways where there's nothing obstructing your view, it's not so far away so it would seem to me that we would want to make, go the quarter mile rather than the, and I don't know about the things that we would eliminate if there are 30 rather than 18, I guess either we look through those, you look through them, obviously you have so far.

Mr. Andrew stated yes I have and the question came up last night, well can it be amended if something comes up, and certainly it can be.

Mrs. Soderberg stated that's hard to do.

Mr. Andrew stated yes and I think this is combing through things that we have in our ordinance, things that we have defined, we need to do a better job on massage parlors, but you might be able to comb through and find different variations that might make that

list grow, but I don't, it seems to me that these were uses that most people could agree wouldn't be desirable to have at the intersection at the end of the overpass. Like I said there may be other things that we identify and certainly this is not going to be written in stone, it's a starting point, but it is an opportunity because there's so much undeveloped land in that corridor and the overpass is not done yet and this is an opportunity to do some advanced planning.

Mrs. Yarnevich asked what's the situation with the flood plain out there in that agricultural land out there?

Mr. Andrew asked you want to go to the October 17 slides again John?

Mrs. Yarnevich asked would it preclude people building there is that what I'm hearing?

Mr. Andrew stated this was discussed extensively last night as well. The light blue areas are flood plain areas which flood plain means they might be low, they might be subject to shallow backwater flooding, but you can address that by building up, building pads, or elevating your structure to keep water out. That's what you see pretty commonly. In south Salina the Central Mall is on a three or four foot pad of fill. We have churches and schools out in south Salina that are built on pads where the street might flood but the building is above the elevation. The speckled area there is a flood-way and that's an area where you really can't fill or put a building or obstruct it in any way because it's moving flood water, and if you put obstructions in there it's going to push the water in a different direction or on somebody else.

Mrs. Yarnevich asked so there's quite a bit of it that can't be developed?

Mr. Andrew stated right, and so when you look at the corridor, when you look at extending utilities, when you look at a number of things, you look at annexation, it's a break in the corridor, so the idea that you could have a consistent line of buildings or development all the way out to the interstate is probably not that realistic. Some of the ideas that were brainstormed to us last evening were you know could you put another levee up to control Mulberry Creek. What occurs here is that Mulberry Creek, this comes up and goes under Ninth Street then it goes under the interstate here and goes up to the Saline River. When it floods, it likes to take a shortcut and come right down to the road and go over to the Saline River that way.

Mr. Funk asked where's the levee on that picture?

Mr. Andrew stated as was discussed when the levee system was designed and funded and everything, there was no I-70. Highway 40 was the way, it was the commercial corridor so the idea was well, if we build the levee north of Highway 40 then we're protecting property in the city and the commercial corridor. There was no idea at the time that I-70 would be where it is today. I-70 almost serves like another levee because of the bridges and the passage under I-70, that's where Mulberry Creek backs up, and when it backs up it seeks the shortest route and that's straight across Stimmel Road. So some of the thoughts were well could you do a manmade or some physical channel down Stimmel Road and confine the water to it which would make land on either side of it more developable. Could you put a levee on Mulberry Creek and confine it, keep it

from spreading to the east. Those all have dollar signs attached to them but those are long, long-term thinking how you either eliminate or shrink that gap there. But right now that's not a place where you're going to see warehouses or office buildings or things of that nature. So you're going to have a cluster out at the interstate and you're going to have property inside the levee, but for the foreseeable future you're going to have a gap in between.

Mr. Simpson asked other comments or questions at this point?

Mr. Andrew stated I think what we wanted to emphasize is that in the overlay district the emphasis is more on appearance and not on trying to regulate uses and to let you through the site plan review process look at the appropriateness of the development and appropriateness of the plans, but the emphasis is on limiting outdoor storage which we do have some sites out there now that are challenges, having paved parking and landscaping consistent with our commercial corridors, having underground utilities, having site plan review. So in some ways this is similar to the South Ninth corridor just opened up to more uses and more industrial perhaps than what you'd see on South Ninth, but that's where it tries to put the emphasis.

Mr. Simpson asked alright any other matters then Dean at this point?

ITEM #5.

Other Matters.

Mr. Andrew stated we do not have any items scheduled for the 21st. We do have items scheduled for the December 5 meeting. We have the Shalimar Health Center nursing home conversion coming back on the 5th of December. It's a revised concept that involves townhomes instead of apartments and a lesser amount of land. We have a request for a site plan approval for a hotel or motel on the parcel between Casey's General Store and I-135 at Schilling and I-135. There's actually a lot between Casey's and the interstate there that they wish to build on. Then we have a request from Kansas Wesleyan for a parking area that's on the north side of Claflin between the University Methodist Church and the medical clinic there on a vacant parcel to convert that to parking. So we'll have those items scheduled for you on the 5th.

Meeting adjourned by Mr. Simpson at 5:16 p.m.

Dean Andrew, Secretary

ATTEST: _____